

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA**

United States of America

v.

JUDGMENT IN A CRIMINAL CASE

(For Offenses Committed on or After November 1, 1987)

Alfonso Alvarado-Soto

No. 07-10782-001M-SD

Citizen of Mexico

Richard L. Juarez (AFPD)
Attorney for Defendant

USM#: 28522086

DOB: 1966

ICE#: A29 655 859

THE DEFENDANT ENTERED A PLEA OF guilty on 11/26/2007 to Count THREE of the Complaint.

ACCORDINGLY, THE COURT HAS ADJUDICATED THAT THE DEFENDANT IS GUILTY OF THE FOLLOWING OFFENSE(S): violating Title 8, USC § 1325, Illegal Entry, a Petty offense, as charged in Count THREE of the Complaint.

IT IS THE JUDGMENT OF THE COURT THAT the defendant is hereby committed to the custody of the Bureau of Prisons for a term of SIX (6) MONTHS on Count THREE, with credit for time served.

CRIMINAL MONETARY PENALTIES

The defendant shall pay to the Clerk the following total criminal monetary penalties:

SPECIAL ASSESSMENT: \$Remitted

FINE: \$

RESTITUTION: \$

If incarcerated, payment of criminal monetary penalties are due during imprisonment at a rate of not less than \$25 per quarter and payment shall be made through the Bureau of Prisons' Inmate Financial Responsibility Program. Criminal monetary payments shall be made to the Clerk of U.S. District Court, Attention: Finance, 880 Front Street, San Diego, California 92101. Payments should be credited to the various monetary penalties imposed by the Court in the priority established under 18 U.S.C. § 3612(c). The total special assessment of \$Remitted shall be paid pursuant to Title 18, United States Code, Section 3013 for Count THREE of the Complaint.

Any unpaid balance shall become a condition of supervision and shall be paid within prior to the expiration of supervision. Until all restitutions, fines, special assessments and costs are fully paid, the defendant shall immediately notify the Clerk, U.S. District Court, of any change in name and address. The Court hereby waives the imposition of interest and penalties on any unpaid balances.

IT IS FURTHER ORDERED that the Clerk of the Court deliver two certified copies of this judgment to the United States Marshal of this district.

The Court orders commitment to the custody of the Bureau of Prisons.
The defendant is remanded to the custody of the United States Marshal.

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USA vs. Alfonso Alvarado-Soto

Date of Imposition of Sentence: **Tuesday, November 27, 2007**

Date 11/27/2007

JAY R. IRWIN, United States Magistrate Judge

RETURN

I have executed this Judgment as follows: _____

Defendant delivered on _____ to _____ at _____, the institution designated by the Bureau of Prisons, with a certified copy of this judgment in a Criminal case.

United States Marshal
07-10782-001M-SD -

By: _____
Deputy Marshal

DATE: 11/27/2007 CASE NUMBER: 07-10782-001M-SD

PLEA/SENTENCING MINUTES

USA vs. Alfonso Alvarado-Soto

U.S. MAGISTRATE JUDGE: JAY R. IRWIN Judge #: 70BK

U.S. Attorney _____ INTERPRETER REQ'D Marcia Resler

LANGUAGE: Spanish

Attorney for Defendant Richard L. Juarez (AFPD)

DEFENDANT: ☒ PRESENT ☐ NOT PRESENT ☐ RELEASED ☒ CUSTODY

DOA 11/25/07 ☐ Complaint Filed ☐ Appointment of counsel hearing held
☐ Financial Afdvt taken ☐ No Financial Afdvt taken ☐ Financial Afdvt sealed
☐ Initial Appearance

DETENTION HEARING: ☐ Held ☐ Cont'd ☐ Reset ☐ UA

Set for: before:

☐ Defendant ordered temporarily detained in the custody of the United States Marshal
☐ Defendant ordered released (see order setting cond of rel) ☐ Bail set at \$ _____
☐ Defendant continued detained pending trial ☐ Flight Risk ☐ Danger

PLEA HEARING: ☒ Held ☐ Cont'd ☐ Reset

Set for: before:

☐ Consent to be tried by a Magistrate Judge signed ☐ Class A Misd ☐ Class B Misd ☐ Class C Misd
☐ Consent of Defendant ☐ Information filed _____ ☐ Complaint filed _____
☒ Defendant sworn and examined by the Court ☒ Plea of Guilty ☐ Not Guilty ☒ Entered to Counts THREE
☐ Defendant states true name to be _____. Further proceedings ORDERED in defendant's true name.
☒ Plea of Guilty entered as to Ct(s) THREE of the ☐ Information ☐ Indictment ☒ Complaint
☒ Court recommends/or accepts defendant's plea and finds plea to be freely and voluntarily given.
☐ Plea agreement: ☐ Lodged ☐ Filed ☐ Sealed
☐ Court does not accept defendant's plea of guilty because _____
☐ PSI ORDERED ☐ EXPEDITED ☒ PSI waived ☐ Time waived for passage of sentence
☐ Continued for sentence to ____ before _____
☒ To be dismissed upon entry of the judgment, Ct(s) ONE/TWO
☒ ORDER vacate trial date/motion hearing/mtns moot
☐ ORDER defendant remain released pending sentence ☒ remanded to USM

SENTENCING:

☒ Defendant committed to Bureau of Prisons for a period of 6 Months ☐ Probation/Supervised Release for _____
☒ Special Assessment \$ REMITTED ☐ Fine \$ _____ ☐ Restitution \$ _____

Other: _____

RECORDED: CS

BY: Jocelyn M. Arviso, Deputy Clerk

DATE: 11/26/2007 CASE NUMBER: 07-10782M-001-SD

USA vs. Alfonso Alvarado-Soto

U.S. MAGISTRATE JUDGE: MARK WAYNE REEVES FOR JAY R. IRWIN #: 70BK

A.U.S. Attorney _____ INTERPRETER Marcia Resler
LANGUAGE Spanish

Attorney for Defendant Matthew Johnson for Richard L. Juarez (AFPD)

MATERIAL WITNESS(es): _____

MATERIAL WITNESS(es) state true name(s) to be: _____

Attorney for Material Witness(es): _____

DEFENDANT: ☒ PRESENT ☐ NOT PRESENT ☒ CUSTODY

DOA 11/25/07 ☒ Initial Appearance ☒ Appointment of counsel hearing held
☐ Financial Afdvt taken ☒ Defendant Sworn ☐ Financial Afdvt sealed
☐ Rule 5(c)(3) ☐ Defendant states true name to be ____ Further proceedings ORDERED
in Defendant's true name.

DETENTION HEARING:

☐ Held ☐ Con't ☐ Submitted ☐ Reset
Set for:
Before:
☒ Defendant ordered temporarily detained in the
custody of the United States Marshal
☐ Defendant ordered released _____
☐ Defendant continued detained pending trial
☐ Flight risk ☐ Danger

IDENTITY HEARING:

☐ Held ☐ Con't ☐ Submitted ☐ Reset
☐ Waived
Set for:
Before:
☐ Warrant of removal issued.

PRELIMINARY HEARING:

☐ Held ☐ Con't ☐ Submitted ☐ Reset
☐ Waived
Set for:
Before:
☐ Probable cause found ☐ Dismissed
☐ Held to answer before District Court

STATUS HEARING: re: _____

☐ Held ☐ Con't ☐ Reset
Set for:
Before:

Other: Plea and sentence set for 11/27/07 at 1:00 p.m.

Recorded by Courtsmart (IA: 2 MIN)
BY: Jocelyn M. Arviso
Deputy Clerk

United States District Court

SOUTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA

V.

Alfonso ALVARADO-Soto
Citizen of Mexico
YOB: 1966
A29 655 859
Illegal Alien

CRIMINAL COMPLAINT

CASE NUMBER: 07-107824-SD

I, the undersigned complainant being duly sworn state the following is true and correct to the best of my knowledge and belief.

COUNT I

That on or about November 17, 2002, Defendant Alfonso ALVARADO-Soto was arrested and removed from the United States to Mexico through the port of Brownsville, Texas, in pursuance of law, and thereafter on or about November 25, 2007, Defendant was found in the United States near Andrade, California within the Southern District of California, the Secretary of the Department of Homeland Security not theretofore having consented to any reapplication by the Defendant for admission into the United States and after the Defendant had willfully and unlawfully returned and remained in the United States; in violation of Title 8, United States Code, Section 1326 (Felony).

COUNT II

That on or about November 25, 2007, within the Southern District of California, Defendant Alfonso ALVARADO-Soto, an alien, did knowingly and willfully enter the United States at a time or place other than as designated by Immigration Officers and elude examination or inspection by Immigration Officers; in violation of Title 8, United States Code, Section 1325, in that the Defendant was previously convicted for violation of Title 8, United States Code, Section 1325, on May 5, 1999 (Felony).

COUNT III

That on or about November 25, 2007, within the Southern District of California, Defendant Alfonso ALVARADO-Soto, an alien, did knowingly and willfully enter the United States at a time or place other than as designated by Immigration Officers; in violation of Title 8, United States Code, Section 1325 (Misdemeanor).

Continued on the attached sheet and made a part hereof.

☒ Yes ☐ No

Sworn to before me and subscribed in my presence,

November 26, 2007

Date

at

Yuma, Arizona

City and State

Mark Wayne Reeves, U.S. Magistrate
Name & Title of Judicial Officer

Nicholas Kingston
Signature of Complainant
Nicholas Kingston
Senior Patrol Agent

Mark Wayne Reeves
Signature of Judicial Officer

STATEMENT OF FACTUAL BASIS

Defendant: Alfonso ALVARADO-Soto

Dependents: None

IMMIGRATION HISTORY: The Defendant was last removed through Brownsville, Texas on November 17, 2002.

CRIMINAL HISTORY:

<u>DATE/LOCATION</u>	<u>OFFENSE</u>	<u>DISPOSITION</u>
10/12/85 Santa Ana, CA	Receive Known Stolen Property	Unknown
02/08/86 Anaheim, CA	Sell Furnish/ETC/ Marij. Hashish	60 Days Jail 36 Months Prob.
	Poss. Marij. Hashish for Sale	Unknown
	Poss. Narc. Cont. Sub.	Prob. Jail
	Poss. Narc. Cont. Sub. for Sale	Dismissed
09/16/86 Cypress, CA	Petty Theft	Unknown
05/12/88 Long Beach, CA	Tamper W/ Vehicle	Unknown
06/25/89 Seattle, WA	Robbery	Unknown
10/04/90 Seattle, WA	Criminal Trespass	Guilty
03/23/91 Seattle, WA	Unlawful Inhalation	Unknown
02/18/92 Long Beach, CA	Take Vehicle w/ out Owner's Consent	10 Days Jail, 12 Months Prob.
	Remove Part of Realty	Unknown
06/03/92 Seattle, WA	Theft (Vehicle Prowling)	Guilty
07/11/92 Seattle, WA	Unlawful Use of Weapons	Dismissed
	Assault	Unknown
11/30/92 Havre, MT	Theft	Dismissed
	Burglary	2 yrs SS
08/22/93 Seattle, WA	VCUSA	Unknown
	Assault 3 rd Degree	Unknown
	Glue Sniffing	Unknown
11/20/93 Seattle, WA	Theft	Unknown
12/31/93 Seattle, WA	Unlawful Inhalation	Unknown
	Prohibited Substance	Unknown
01/06/94 Seattle, WA	Theft	Unknown
01/20/94 Seattle, WA	Property Destruction	Unknown
	Malicious Mischief	Dismissed
04/20/94 Seattle, WA	Assault	Dismissed
05/31/94 Seattle, WA	INV VUCSA/Narcotics	26 Months Prison
12/23/95 Seattle, WA	FTA-Theft	Unknown
	Prohibited Entry	Unknown
06/24/96 Seattle, WA	VUCSA	6 Months Jail, 12 Months Sup. Release
	Failure to Comply	
03/27/97 Seattle, WA	Warrant VUCSA	Unknown
09/01/97 Seattle, WA	Unlawful Use of Weapons	365 Days Jail
	False Reporting	Dismissed
04/20/98 Seattle, WA	VUCSA/Narcotics(Felony)	No Charge Filed

09/26/98	Seattle, WA	Theft	Unknown
10/24/98	Seattle, WA	FTA Theft	Unknown
12/02/98	Seattle, WA	Illegal Re-Entry After Deportation	51 Months Jail, 3 yrs Sup Rel.

Narrative: The Defendant, a citizen of Mexico and illegally within the United States, was encountered by Yuma Border Patrol agents near Andrade, California.

The Defendant was questioned as to his citizenship and immigration status. From that questioning agents determined that the Defendant is an undocumented national of Mexico and illegally in the United States.

The Defendant was transported to the Yuma station for processing. During processing, questioning and computer record checks the above criminal and immigration information was obtained as it relates to this Defendant.

The Defendant last entered the United States illegally without inspection near Andrade, California on November 25, 2007.

Charges:	8 USC§1326	(Felony)
	8 USC§1325	(Felony)
	8 USC§1325	(Misdemeanor)



Signature of Complainant

Sworn to before me and subscribed in my presence,

November 26, 2007
Date



Signature of Judicial Officer